

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**FILED**

OCT 20 2006

CATHY A. CATTERSON  
CLERK, U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JAMES TROIANO,

Defendant - Appellant.

No. 06-10573

D.C. No. CR-05-00261-HG  
District of Hawaii,  
Honolulu

ORDER

**RECEIVED**  
CLERK, U.S. DISTRICT COURT

OCT 26 2006

DISTRICT OF HAWAII

Before: Peter L. Shaw, Appellate Commissioner

Appellant's motion to proceed in forma pauperis, forwarded to this court by the district court, is granted.

Appellant's motion for appointment of counsel is also granted. Counsel will be appointed by separate order.

The Clerk shall serve a copy of this order by facsimile transmission on Magistrate Judge Barry M. Kurren, U.S. District Court for the District of Hawaii, P.O. Box 50122, Honolulu, Hawaii 96850, (FAX: (808) 541-3500), who will locate appointed counsel. Magistrate Judge Kurren may wish to consider appointing Walter R. Schoettle, Esq., appellant's previously retained counsel, who is willing to represent appellant on appeal. The district court shall provide the Clerk of this court with the name and address of appointed counsel by facsimile transmission (FAX: (415) 556-6228) within 14 days of locating counsel.

The court, on its own motion, expedites the briefing and hearing of this appeal. The provisions of Ninth Circuit Rule 31-2.2(a) shall not apply to this

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appeal. Any motions to extend time to file the briefs will be strongly disfavored.

New counsel shall designate the reporter's transcript by November 15, 2006. The transcript is due December 15, 2006. Appellant's opening brief and excerpts of record are due January 24, 2007; appellee's answering brief is due February 23, 2007; and the optional reply brief is due within 14 days after service of the answering brief.

The Clerk shall also serve a CJA Form 24 and a certified copy of this order on counsel Schoettle. *See* 28 U.S.C. § 753(f). If appellant is seeking transcripts of proceedings requiring special authorization, that authorization should be obtained from the district court. *See* VI Guide to Judiciary Policies & Procedures § 13.6.1.b.(2)(a)-(g).

Upon filing the transcripts, the court reporter shall submit the CJA Form 24 to this court for payment.

The Clerk shall amend the docket to reflect appellant's pauper status.

The Clerk shall serve this order on former counsel Walter R. Schoettle, Esq.

A handwritten signature in black ink, reading "Peter L. Shaw". The signature is written in a cursive style with a horizontal line underneath the name.

General Order 6.3(e)

## CJA 24 AUTHORIZATION AND VOUCHER FOR PAYMENT OF TRANSCRIPT (Rev. 5/99)

1. CIR./DIST./DIV. CODE		2. PERSON REPRESENTED			VOUCHER NUMBER		
3. MAG. DKT./DEF. NUMBER		4. DIST. DKT./DEF. NUMBER		5. APPEALS DKT./DEF. NUMBER		6. OTHER DKT. NUMBER	
7. IN CASE/MATTER OF (Case Name)		8. PAYMENT CATEGORY <input type="checkbox"/> Felony <input type="checkbox"/> Petty Offense <input type="checkbox"/> Misdemeanor <input type="checkbox"/> Other <input type="checkbox"/> Appeal		9. TYPE PERSON REPRESENTED <input type="checkbox"/> Adult Defendant <input type="checkbox"/> Appellant <input type="checkbox"/> Juvenile Defendant <input type="checkbox"/> Appellee <input type="checkbox"/> Other		10. REPRESENTATION TYPE (See Instructions)	
11. OFFENSE(S) CHARGED (Cite U.S. Code, Title & Section) <i>If more than one offense, list (up to five) major offenses charged, according to severity of offense.</i>							
<b>REQUEST AND AUTHORIZATION FOR TRANSCRIPT</b>							
12. PROCEEDING IN WHICH TRANSCRIPT IS TO BE USED (Describe briefly)							
13. PROCEEDING TO BE TRANSCRIBED (Describe specifically). <i>NOTE: The trial transcripts are not to include prosecution opening statement, defense opening statement, prosecution argument, defense argument, prosecution rebuttal, voir dire or jury instructions, unless specifically authorized by the Court (see Item 14).</i>							
14. SPECIAL AUTHORIZATIONS							JUDGE'S INITIALS
A. Apportioned _____ % of transcript with (Give case name and							
B. <input type="checkbox"/> Expedited <input type="checkbox"/> Daily <input type="checkbox"/> Hourly Transcript <input type="checkbox"/> Realtime Unedited Transcript							
C. <input type="checkbox"/> Prosecution Opening Statement <input type="checkbox"/> Prosecution Argument <input type="checkbox"/> Prosecution Rebuttal <input type="checkbox"/> Defense Opening Statement <input type="checkbox"/> Defense Argument <input type="checkbox"/> Voir Dire <input type="checkbox"/> Jury Instructions							
D. In this multi-defendant case, commercial duplication of transcripts will impede the delivery of accelerated transcript services to persons proceeding under the Criminal Justice Act.							
15. ATTORNEY'S STATEMENT As the attorney for the person represented who is managed above, I hereby affirm that the transcript requested is necessary for adequate representation. I, therefore, request authorization to obtain the transcript services at the expense of the United States pursuant to the Criminal Justice Act.  _____ Signature of Attorney      _____ Date  _____ Printed Name Telephone _____ <input type="checkbox"/> Panel Attorney <input type="checkbox"/> Retained Attorney <input type="checkbox"/> Pro-Se <input type="checkbox"/> Legal Organization					16. COURT ORDER Financial eligibility of the person represented having been established to the Court's satisfaction the authorization requested in Item 15 is hereby granted.  <div style="text-align: center; font-size: 1.2em; font-weight: bold;">SEE ATTACHED ORDER</div> _____ Signature of Presiding Judicial Officer or By Order of the Court  _____ Date of Order      _____ Nunc Pro Tunc Date		
<b>CLAIM FOR SERVICES</b>							
17. COURT REPORTER/TRANSCRIBER STATUS <input type="checkbox"/> Official <input type="checkbox"/> Contract <input type="checkbox"/> Transcriber <input type="checkbox"/> Other					18. PAYEE'S NAME (First Name, M.I., Last Name, including any suffix), AND MAILING ADDRESS   Telephone _____		
19. SOCIAL SECURITY NUMBER OR EMPLOYER ID NUMBER OF PAYEE							
20. TRANSCRIPT	INCLUDE PAGE NUMBERS	NO. OF PAGES	RATE PER PAGE	SUB-TOTAL	LESS AMOUNT APPORTIONED	TOTAL	
Original							
Copy							
Expense (Itemize)							
<b>TOTAL AMOUNT CLAIMED:</b>							
21. CLAIMANT'S CERTIFICATION OF SERVICE PROVIDED I hereby certify that the above claim is for services rendered and is correct, and that I have not sought or received payment (compensation or anything of value) from any other source for these services.  Signature of _____ Date _____							
<b>ATTORNEY CERTIFICATION</b>							
22. CERTIFICATION OF ATTORNEY OR CLERK I hereby certify that the services were rendered and that the transcript was received.  _____ Signature of Attorney or Clerk      _____ Date							
<b>APPROVED FOR PAYMENT — COURT USE ONLY</b>							
23. APPROVED FOR PAYMENT  _____ Signature of Judicial Officer or Clerk of Court      _____ Date						24. AMOUNT APPROVED	